#### Federal Communications Commission

application will be granted upon processing by SLD. Naperville's appeal only addresses whether its application should be reviewed as filed within the filing window.

16. Presently, we have a number of requests for review that raise issues similar to the instant appeal. Moreover, we are aware that similar issues have been raised in matters that remain pending before SLD. We direct SLD and the Common Carrier Bureau to resolve these matters consistent with the underlying rationale of this Order. Specifically, we conclude that it is inappropriate for SLD to return an application without consideration under its minimum processing standard where (1) the request for information was a first-time information requirement on a revised form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by SLD through examination of other information included in the application; and (3) the application is otherwise substantially complete.

#### III. ORDERING CLAUSES

- 17. Accordingly, IT IS ORDERED, pursuant to sections 1-4, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 54.719 and 54.722 of the Commission's rules, 47 C.F.R. §§ 54.719 and 54.722, that the Request for Review filed on July 11, 2000, by Naperville Community Unit School District 203, Naperville, Illinois, IS GRANTED.
- 18. IT IS FURTHER ORDERED that the Request for Review filed on July 11, 2000, by Naperville Community Unit School District 203, Naperville, Illinois, is REMANDED to the Schools and Libraries Division of the Universal Service Administrative Company, and the Schools and Libraries Division is directed to take action to effectuate the steps outlined in this Order.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas Secretary

 $\mathcal{H}$ 



To: David Krowll	Date: March 21, 2001					
Firm: SLD						
Fax Number: (888) 276-8736 Number of Pages Including Cover: 21						
From: John D. Harrington	Phone: (405) 341-4140 ext 100					
	Email: jharrington@fundsforlearning.com					
Re: PY4 App #262187	CC:					
☐ Urgent ☐ For Review ☐ Please Comm	nent Please Reply Please Recycle					
Jon Cruver said that I should forward this to you we discovered a clerical error. See attached. Pleas						

If you do not receive all of the pages or have received this fax in error, please call the above person at the number indicated. Thank you.

# FUNDS FOR LEARNING, LLC www.fundsforlearning.com

2111 Wilson Blvd, Suite 700 Arlington, VA 22201 (703) 351-5070 (703) 351-6218 (fax) 229 North Broadway Edmond, OK 73034 (405) 341-4140 (405) 341-4140 (fax)

Attachment H

I



To: Matthew Banks	Date: March 21, 2001					
Firm: SLD						
Fax Number: (888) 276-8736	Number of Pages Including Cover: 3					
From: John D. Harrington	Phone: (405) 341-4140 ext 100					
	Email: jharrington@fundsforlearning.com					
Re: PY4 App #262187	CC:					
☐ Urgent ☐ For Review ☐ Please Comm	ent Please Reply Please Recycle					
Here are the corrected Block 5 funding requests for know if you have any other questions. Thanks for						

If you do not receive all of the pages or have received this fax in error, please call the above person at the number indicated. Thank you.

# FUNDS FOR LEARNING, LLC www.fundsforlearning.com

2111 Wilson Blvd, Suite 700 Arlington, VA 22201 (703) 351-5070 (703) 351-6218 (fax) 229 North Broadway Edmond, OK 73034 (405) 341-4140 (405) 341-4140 (fax)

Attachment |

Page 1 of 2

	Number 000 act Person St					Applicant's Form 'hone Number		OCPS-PY4-4 (405) 297-67				
inst	ructions: Us	opies of this pag	age for EACH se e as necessary,	ervice (Fui and numb	nding Request Num per the completed p	ages to assure	that they are		Block 5, pa	ge2	2 of	
11		of Service (only 0	NE category should b	e checked)	internal Connections	15 Contract "MTM" if mon	Number (if ev th-to-month service	eilable; use "T" if tariffed a as described in Instruc her (e.o. hilled telepho	tions) N/A	99009V		
	SPIN - Se	Application Nu		5530	143005575	17 Allowab (based on	16 Billing Account Number (e.g., billed telephone number) OKC9900SY  17 Allowable Vendor Sefection/Contract Date (mm/dd/yyyy) (based on Form 470 filing)  18 Contract Award Date (mm/dd/yyyy)  04/09/1998					
		ion Number (9 d		m les dha (		19b Service		/dd/yyyy) (use only f	or "T" or "MTM" s			
21	Description This Serv	n of	You MUST atta	ch a desc with an At	ription of the service ttachment #, and no		reakdown of o	components and o	costs, plus any		0/2002 and names. Label	
22	Entity/Ent Receiving	itles This Service:	this service :		ecific (provided to o		•	,	•	•	m Block 4 receiving	
23	Calculatio		ecurring Cha	ges		Non	Recurring (	Charges		Total Ch	arges	
(tota	A thly \$ charges al amount per th for service)	B How much of the \$ amount in (A) is Ineligible?	C Eligible monthly pre-discount amount (A minus B)	D # of months service provided in program year	E Annual pre-discount \$ amount for eligible recurring charges (C x D)	F Annual non- recurring (one-	G How much of the \$ amount in	Fit Annual eligible pre-		J % discount	K	
	\$84,677.00	\$0.00	\$84,677.00	12	\$1,016,124.00	\$0.00	\$0.00	\$0.00	\$1,016,124.00	84%	\$853,544.16	

Page 4 of 6 FCC Form 471 -- October 2000

×.



To: Data Entry Corrections	Date: April 27, 2001					
Firm: SLD						
Fax Number: 973-884-8217	Number of Pages Including Cover: 3					
From: John D. Harrington	Phone: (405) 341-4140 ext 100					
	Email: jharrington@fundsforlearning.com					
Re: Correction to FRN 663320	CC: Steve Washam (OCPS)					
☐ Urgent ☐ For Review ☐ Please Comm	ent 🛛 Please Reply 🔲 Please Recycle					
Attached is a data entry correction to FRN 663320 number 139831). If you have any questions, please 4140 ext 100. Thank you.	•					

If you do not receive all of the pages or have received this fax in error, please call the above person at the number indicated. Thank you.

FUNDS FOR LEARNING, LLC www.fundsforlearning.com

2111 Wilson Blvd, Suite 700 Arlington, VA 22201 (703) 351-5070 (703) 351-6218 (fax) 229 North Broadway Edmond, OK 73034 (405) 341-4140 (405) 341-4140 (fax)

#### Data Entry Correction - Oklahoma City Public Schools (BEN 139831) Contact John Harrington 405-341-4140 ext 100



# Universal Service Administrative Company

Schools & Libraries Division

#### FORM 471 RECEIPT ACKNOWLEDGMENT LETTER

(Funding Year 4: 07/01/2001 - 06/30/2002)

April 16, 2001

OKLAHOMA CITY PUBLIC SCHOOLS STEVE WASHAM 900 N.E. KLEIN, P.O. BOX 25428 OKLAHOMA CITY, OK 73125~0428

Re: Form 471 Application Number: 262187
Funding Year 4: 07/01/2001 - 06/30/2002
Applicant's Form Identifier: OCFS-PY4-471-01
Billed Entity Number: 139831

NOTICE: This notification is an acknowledgment of RECEIPT and SUCCESSFUL DATA ENTRY of your FCC Form 471, Services Ordered and Certification Form, reflecting \$958,493.04 in total program year pre-discount costs for services. This letter confirms that the Form 471, Item 21 attachment, and signed Form 471 Certification form have been received.

This letter does NOT contain any decisions concerning your requests for discounts. Note, however, the two-week response deadline described below.

Please keep this letter for your records. The Form 471 application number cited above is critical for you to link your application to future Schools and Libraries Division (SLD) communications.

Please be advised that your Form 471 application materials were postmarked or received by the SLD on 01/11/2001 and successfully entered into our data system. SLD's Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive a separate Funding Commitment Decision Letter to inform you of the disposition of your application. Until you receive a Funding Commitment Decision Letter from the SLD, you cannot assume that you will receive the discounts for which you are applying.

Your application will be considered within the application filing window wherein all applications which meet the Minimum Processing Standards are treated as though they were received on the same day.

HOW TO USE THIS 471 RECEIPT ACKNOWLEDGMENT LETTER TO CORRECT INFORMATION ON YOUR FORM 471 (ACT WITHIN 2 WEEKS!)

If you find data entry errors on this letter, or you previously identified errors on your Form 471, these can be corrected using this Form 471 Receipt Acknowledgment Letter. Examples of the errors that can be corrected are:

Block 1 information (such as contact person or street address); Reductions to Block 5 Funding Requests;

SPIN is incorrect because of a data entry error or because the company has merged with or been acquired by another company (Requests to change service providers for other reasons cannot be accommodated through the Receipt Acknowledgment Process.); If on your form 471 you incorrectly combined or "bundled" into one Funding Request Number (FRN) two or more services from different service providers

# Data Entry Correction - Oklahoma City Public Schools (BEN 139831) Contact John Harrington 405-341-4140 ext 100

Funding Request Number: 663319
SPIN: 143001192 Service Provider Name: AT&T Corp.
Category of Service: Telc Svc(s)
Pre-discount \$ Amount: \$12,000.00#
Discount Percentage: 842

Funding Request Number: 663320
SPIN: 143005575 Service Provider Name: Cox Oklahoma Telcom, Inc. dba Cox Business Services
Category of Service: Telc Syc(s)
Pre-discount \$ Amount: \$853,544.16
Discount Percentage: 844

Funding Request Number: 663321
SPIN: 143000693 Service Provider Name: Nextel West Corp.
Category of Service: Telc Svc(s)
Pre-discount \$ Amount: 616,400.00
Discount Percentage: 842

Funding Request Number: 663322
SPIN: 143015254 Service Provider Name: Category of Service: Inst Acc(s)
Pre-discount \$ Amount: \$170,400.00
Discount Percentage: 84%

Funding Request Number: 663324

SPIN: 143004662 Service Provider Name: Southwestern Bell Telephone Company Category of Service: Telc Svc(s)

Pre-discount \$ Amount: \$602,376.00

Discount Percentage: 847

Funding Request Number: 663326 SPIN: 143000465 Service Provider Name: Southwestern Bell Wireless Inc. Category of Service: Telc Syc(s) Pre-discount \$ Amount: \$52,800 00 Discount Percentage: 84

Funding Request Number: 692617
SPIN: 143018525 Service Provider Name: Arch Paging, Inc.
Category of Service: Telc Svc(s)
Pre-discount \$ Amount: 921,840506
Discount Percentage: 847

Schools and Libraries Division/USAC

Page 4 of 4

471RA Ltr. 04/16/2001

#### ACTIVITY REPORT

TIME : 04/27/2001 08:33 NAME : FUNDSFORLEARNING FAX : 4053417008 TEL : 4053414140

	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
	04/23 04/23 04/24 04/24 04/24 04/24 04/24 04/25 04/25 04/25 04/26 04/26	16:5559 10:1498 10:5525303992637758 10:1468116116159 11:5525303992637758 11:51525303992637792	917033516218 7033516218 99486018 4052976773 7033516218 914135134395 917033516218 7033516218 7033516218 7133516218 7138926749 918882768736	29 01:35 21 02:56 02:59 46 02:27 01:03 235 01:26 08 09 01:12 27	01 05 01 02 03 02 01 01 01 05 01 00 04 04	<del>오</del>	RX ECM TX ECM RX
<b>→</b>	04/26 04/26 04/26 04/27	10:58 13:14 15:51 08:30	7033516218 7033516218 918882768736 919738848217	02:15 49 02:26 02:26	04 02 06 03	ok ok ok	RX ECM TX ECM TX ECM

BUSY: BUSY/NO RESPONSE
NG : POOR LINE CONDITION
CV : COVERPAGE
CA : CALL BACK MSG
POL : POLLING
RET : RETRIEVAL

K



To: Data Entry Corrections	Date: 5/9/2001							
n: SLD								
Fax Number: 973-884-8217	Number of Pages Including Cover: 4							
From: Cathy Turner	Phone: (405) 341-4140 x 650							
	Email: cturner@fundsforlearning.com							
Re: Correction to FRN 663320	CC:							
□ Urgent □ For Review □ Please Comment □ Please Reply □ Please Recycle								
On April 27, 2001 we faxed a data entry correction Schools. I phoned the SLD customer support line was unable to see if the correction had been made requesting a status update. Could you please fax of John Harrington's attention at 405-341-4140 ext 1	today and spoke with Michelle. Michelle and she suggested that I fax you again or call the status of this data correction to							

If you do not receive all of the pages or have received this fax in error, please call the above person at the number indicated. Thank you.

FUNDS FOR LEARNING, LLC www.fundsforlearning.com

2111 Wilson Blvd, Suite 700 Arlington, VA 22201 (703) 351-5070 (703) 351-6218 (fax) 2709 Lancaster Court Suite 1100 Edmond, OK 73003 (405) 341-7003 (405) 971-7685 (fax)

Attachment K

Page 1 of 4

#### **Date Event**

7-Mar Data entry request faxed to Jon Cruver

- 21-Mar Jon Curver said to talk to Matthew Banks. Banks said to fax him corrected Block 5. Thought it would be fixed.
- 21-Mar Corrected block 5 faxed to Matthew Banks
- 16-Apr RAL letter sent by SLD (date on letter)
- 24-Apr RAL received by OKC
- 27-Apr Data entry correction faxed to SLD
- 9-May Spoke with Michelle at SLD line; She instructed us to refax
- 9-May Data entry correction faxed to SLD
- 17-May Spoke with Don at SLD. He said change had not been made and that he'd never seen them fix anything that involved an increase in the funding request.

#### FUNDING COMMITMENT REPORT

Service Provider Name: Cox Oklahoms Telcom LLC dbs Cox Susiness Services Service Provider Identification Number: 143005575

```
Service Provider Name: Cox Oklahoma Telcom LLC dba Cox Susiness Services
Service Provider Identification Number: 143005575

Tunding Request Number: 663320

Form 471 Application Number: 262187

Form 470 Application Number: 553080000038015

Name of 471 Application Number: 553080000038015

Name of 471 Application Number: 553080000038015

Applicant Street Address: 900 N.E. KLEIN, 7.0 EOX 25428

Applicant Street Address: 900 N.E. KLEIN, 7.0 EOX 25428

Applicant State: OX

Service Ordered: Provided Contract Date: 03/20/1998

Contract Information: 665: 297-5798

Funding Year: 07/01/2001 - 06/30/2002

Funding Status: Funded

Contract Number: Na

Services Ordered: Telecommunications Service

Billing Account Number: ORC990057

Allowable Vendor Selection/Contract Date: 03/20/1998

Earliest Possible Effective Date of Discount: 07/01/2001

Contract Award Date: 06/30/2002

Total Estimated Monthly Recurring Charges: $7056.42

Total Estimated Monthly Recurring Charges: $7056.42

Number of Months Recurring Service Provided in Program Tear: 12

Annual Pre-Discount Amount for Recurring Charges: $7056.42

Number of Months Recurring Charges: $0.00

Fortion of Annual Non-Recurring Charges: that is Ineligible: $0.00

Annual Rigible Pre-Discount Amount for Non-Recurring Charges: $0.00

Total Program Fear Pre-Discount Amount: $4667.04

Applicant & Approved Discount Program Approved as submitted Technology Flam Approvel Status: Pending Approval

Applicant Letter Date: 08/07/2001
```

ECDL/Schools and Libraries Division/USAC

Page 7 of 7

08/07/2001

\*\* TOTAL PAGE.07 \*\*

Eatily Humber000	0139831				Loolicant's For	a Identifier	OCPS-PY4-	OCPS-PY4-471-01			
					hone Number (405) 297-5798						
Instructions: Us Make as many c	opies of this pag	age for EACH s in as necessary	ervice (Fu , and numi	nding Request Number the completed p				Block 5, pa	ge 2	2 of	
11 Category of Service (any ONE category should be desched)  15 Construct Number if available use "F if selfed services, N/A											
				nternal Connections	WIN I no	dh-to-manih service	er as described in restru	ctiones) Participant			
© (esecons	IUHKZIIONE SERVICE	U internet Ac		memas Connections			ber (u.g., billed telepho				
	Application Nu	enber (15 digils)	5530	80000038015	the beauty	Form 470 (ling)	lection/Contract	Date (smiddly)	03/20/	1998	
13 SPRI - Sei	rvice Provider Iou Number (8 d	11-6-4		143005575	18 Contrac	L Award Date	(mmkki/yyyy)		04/09/	1998	
I CHALLEST SCAL	IOM VALNESSEE (8 G	idue)		1-10000070	192 Service	Start Date (m	m/cici/yyyył		07/01/	2001	
					19b Service	End Date (no	okldńyyy) (ese only f	or "I" or "MTM" s	arvices)		
14 Service Pr	rovider Name	Cox Oklahoma	Telcom,	Inc.	20 Contrac	t Expiration I	Dente (markfullyyyy)		06/3	W20 <b>0</b> 2	
You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided below.  Attachment # 2											
a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving Entity/Entitles this service:  Receiving This Service:											
		b. If the service	is snared	by all entities on a	Block 4 Works	neek, list one w	orksneer number	(e.g., A-1): <u>A-</u>			
23 Calculatio		ecurring Char	Tes	i	Non	-Recurring (	Charges	I	Total Ch	arge\$	
A	В	С	D	E	F	G	H	1	1	K	
	How much of the \$	,	# of	Annual pre-discount \$		How much of	Annual eligible pre-	Total program		Funding Commissions \$	
(total amount per	amount in (A) is	pre-discount	months	amount for eligible		the \$ amount in				Request	
month for service)	inelgible?	amount (A minus B)	service provided in program year	recurring charges (C x D)	une) a crarges	((†) is ineligible?	for one-time charges (Fininus G)	\$ amount (E + H)	Block ( Worksheel)	(1x1)	
\$84,677.00	\$0.00	\$84,677.00	12	S1,618,124.00	\$0.00	50.CO	\$0.00	\$1,016,124.00	84%	\$853,544.16	

SENT BY: FUNDS FOR LEARNING;

7033516218;

MAR - 7 - 01

•

## Attachment L

Page 1 of 2

#### **Orin Heend**

From:

Orin Heend [oheend@fundsforlearning.com]

Sent:

Thursday, August 23, 2001 8:19 PM

To: Subject: gmcdonald@universalservice.org Oklahoma City Public Schools

8/23/01

Mr. George McDonald
Acting President

USAC, Schools and Libraries Division

#### George:

I am writing to request your support to help Oklahoma City Public Schools (OCPS) remedy as quickly as possible a funding commitment problem that should have been resolved long before now. Unfortunately, the SLD recently issued a Program Year Four funding commitment decision letter to OCPS that was incorrect due to a Block 5 clerical error. The funding commitment for leased data circuits was for \$71,128.68 (pre-discount \$84,667); it should have been for \$853,544.16 (pre-discount \$1,016,124.00).

Our understanding is that OCPS has money budgeted only for the discounted portion of the cost of its leased wide area network (all 40,000 OCPS students access the Internet through this network). If OCPS cannot locate funds from another source to cover the remainder of the cost, it may be forced to forego the service entirely unless and until the SLD acts. In these circumstances, the harsh reality is that every month that passes with no resolution means another month's worth of E-rate support that the school district never will see. "Success" on appeal four months from now would erase effectively almost half of the funding to which the school district is entitled. In ten months, "success" would be completely worthless. Time, therefore, clearly is of the essence.

I was hoping that we could discuss this matter in advance of OCPS filing an appeal, so that together we could find a way to help the school district chart the most efficient and effective course.

The facts, briefly, are as follows:

- --Due to a clerical error, Block 5, Column E ("Annual pre-discount \$ amount for eligible recurring charges"), lists the monthly service fee, \$84,677, not the annual fee. This amount, 1/12 of what OCPS intended to list in that field, was obviously an error. The correct annual pre-discount amount, the amount that should have been listed in Column E, is \$1,016,124.00.
- --Both the mistake and the correct amount were easily discernable from the application itself, as the description of service clearly showed one month of service at \$84,677, the correct pre-discounted amount. See the price quote from Cox Telcom, Inc. shown in Description of Service Attachment number 2. The four and one half page quote lists each school along with a service level and a monthly recurring fee. The last page of the quote states clearly: "TOTAL MONTHLY RECURRING: \$84,677
- --The \$1,016,124 estimated annual fee for this service is consistent with the school district's requests and funding commitments for this service in Program Years One, Two, and Three.
- --During the Year 4 application review process, SLD staff assured us more than once that the FCDL would be issued for the correct amount, as that amount was clearly and unambiguously evident in the supporting documentation that OCPS had filed with the Form 471.

As you know, the FCC has held repeatedly that the SLD has authority to correct a clerical error in these kinds of circumstances. See, e.g., Methacton School District, Norristown, PA (Released May 17, 2000). ("Under SLD procedures SLD may grant appeals when the applicant has correctly listed the proper item on another part of the Form 471"). Compare Scranton School District, Scranton, PA (Released January 7, 2000), where the FCC refused to allow an applicant to amend a funding request because nothing else in the application reasonably supported the conclusion that the applicant intended to request a different amount.

OCPS is a school district with a very large, economically disadvantaged student population. The service at risk here is Internet access, and Internet access lies at the very heart of the E-rate program. The best interests of this program are not served by cutting off large numbers of economically disadvantaged students from Internet access solely because of a

clerical error on a Form 471 that could have been corrected easily from information contained elsewhere in the application. We certainly hope you agree, and that you will support us in our efforts to turn this around as quickly as possible.

We would appreciate whatever help you can provide. I will call you early next week to follow up or please call me at 703-351-5070.

Thanks, Orin Heend

Orin Heend
Funds For Learning, LLC
2111 Wilson Blvd. Suite 700
Arlington, VA 22201
703-351-5070
703-351-6218 (fax)
oheend@fundsforlearning.com

# Attachment M

Page 1 of 1

## 7. Post-Commitment Events

#### **Appeals Process**

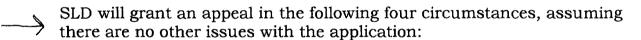
Who can appeal

According to FCC rules, any party aggrieved by an action taken by USAC or SLD may appeal that decision. That means that Service Providers or applicants may file an appeal. (It would be best not to have both file an appeal, unless it's a consolidated appeal, raising the same issues.) The appeal may be filed first with SLD and, if not satisfactorily resolved, then with the FCC. Alternatively, appeals may be filed with the FCC directly. (An appeal cannot be filed with both the SLD and FCC simultaneously; in such instances, the FCC will dismiss without prejudice, pending the outcome of the SLD decision.) Fax and email appeal letters are NOT accepted. More information about appeals can be found in the Reference Area of the SLD web site under Appeals.

It is important to note that in some instances there is a third party, such as a state Department of Education, which is neither the Service Provider nor the applicant. The third party may want to file an appeal on behalf of applicants, but this should be discouraged. Remember, the appeal right belongs to a party that has an interest in the transaction and where that interest is affected by the USAC/SLD decision.

#### Basis for Review

SLD reviews appeals according to the guidelines established by the Schools and Libraries Programmatic Subcommittee of the USAC Board of Directors. (They are included in the Reference Area of the web site under Appeals – SLD Guidelines for Review.)



- (1) If the appeal makes it clear that SLD erred when it performed its initial review of the application;
- (2) If the appeal makes it clear the applicant made an error in information provided in or with the application, and SLD could have identified the error by the information on hand during initial review;
  - (3) If the appeal provides clarifying information that corrects an assumption SLD made during the initial review because there was insufficient information; and
  - (4) When SLD obtains policy clarification or new policy between the time of the initial application commitment decision and the appeal decision.